



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of :
James E. Johanson et al. : **Attorney Docket No.:**
 : 8945-25 (149194)
Serial No.: 09/990,013 :
Confirmation No.: 2419 : **Group Art Unit:**
 : 3632
Filed: November 21, 2001 :
 : **Examiner:**
For: SHIPPING BASE FOR APPLIANCES : Tan Le

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

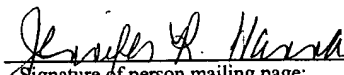
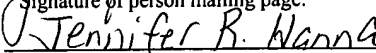
This is in response to the non-final office action mailed February 24, 2004. This response is being filed within the first month after the three-month shortened statutory response period set in the office action. A request for an extension of time and the appropriate fee accompany this response. This extension resets the response date to June 24, 2004.

Please charge any fee that is due relative to this response, and credit any overpayment, to deposit account no. 50-0573.

Remarks begin on page 2 of this paper.

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REMARKS

General:

Claims 1-3, 7-16 and 18-24 are pending in this application. Claims 1-3, 7-16 and 18-24 stand rejected. No new matter has been added..

35 U.S.C. § 102:

Claims 1-3, 7-16 and 18-24 stand rejected as anticipated by U.S. Pat. No. 6,010,007 (Moren). Moren discloses a thermoformed packaging for fragile objects, such as computer components. The packaging consists of a bottom and two sides, which are intended to fold up into a U shape and to be placed within a rigid outer box. The bottom and sides have ribs (32 and 70S; 50 and 70L), forming between them slots for the objects being packaged. To allow the bottom and sides to fit together, the ends of the ribs are mitered.

The examiner asserts that “Moren et al. discloses a base for packaging an article comprising a frame (10) (Figs 3 or 11 for example) having [four] sides and an outer peripheral edge of each of the sides of the frame is recessed relative to the inner portion of the base along the corresponding side, creating a gap between the base and the adjacent portions; the base having at least one sockets; a plurality of flexible ribs or fins (70, 70S, 70L) extending along the internal sidewall of the socket and projecting inwardly into the well of the socket; and the bottom edges of the ribs are separated from the bottom wall of the socket.”

The present invention, as claimed in claims 8, 12, 18, 20, 21 and 22 provides a base for shipping and supporting an appliance. Moren’s packaging is not a base for shipping and supporting an appliance, and the examiner does not allege that Moren’s packaging is a base for shipping and supporting an appliance. These claims recite that each of the sides of the frame is adapted to extend along a side of the appliance. Moren does not disclose, and the examiner does not allege that it discloses, that the four sides of the packaging 10 are adapted to extend along the four sides of an appliance, or of anything else. Moren discloses only packaging small, fragile objects between the ribs within the packaging 10. These claims recite one or more sockets for receiving the feet of the appliance. The examiner apparently considers that the entire interior of Moren’s packaging is a “socket,” because he says that the ribs 70 project into the well of the socket, but there is no suggestion that the interior of Moren’s packaging is suitable for receiving a foot of an appliance, or of anything else. For

all of these reasons, it is believed that the present invention, as claimed in claims 8, 12, 18, 20, 21 and 22, is not only new but also non-obvious over Moren's packaging.

Claims 18 and 20 further recite that the outer edge portion of at least one side edge of the frame is recessed so as to create a gap between the frame and an adjacent structural frame or skin panel portion of an appliance having such a structural frame or skin panel portion, permitting the outer edge of the frame to bow upwards without damaging the adjacent structural frame or skin panel portion of the appliance. Although the examiner asserts that in Moren's packaging "each of the sides of the frame is recessed," he does not identify any structure in Moren to support this assertion. The only structure in Moren that forms a recessed outer edge at all is where the skirt 42 is set back from the front edge 20. That would not fulfill the requirements of claim 18, because the setback is so slight that any upward deformation of the front edge 20 would drive the skirt 42 upwards into the supposed skin panel of the supposed appliance above it. For this reason also claim 18 is believed to be non-obvious over Moren.

The present invention, as claimed in claims 9 and 10, provides a base for supporting an article during shipping. Claims 9 and 10 recite that each of the side edges of the frame is adapted to extend along a side of the article. Moren does not disclose, and the examiner does not allege that it discloses, that the four sides of the packaging 10 are adapted to extend along the four sides of an article being shipped, or of anything else. Moren discloses only packaging small, fragile objects between the ribs within the packaging 10. Claims 9 and 10 recite one or more sockets for receiving the feet of the appliance. The examiner apparently considers that the entire interior of Moren's packaging is a "socket," because he says that the ribs 70 project into the well of the socket, but there is no suggestion that the interior of Moren's packaging is suitable for receiving a foot of an article the sides of which extend along the sides of the packaging, or any foot at all. For all of these reasons, it is believed that the present invention, as claimed in claims 9 and 10, is not only new but also non-obvious over Moren's packaging.

Claims 1-3, 7, 11, 13-16, 23 and 24 are dependent from the claims discussed above and, without prejudice to their individual merits, are believed to be allowable over Moren for the same reasons as their respective base claims.

In addition, however, claims 2 and 14 recite that *each* of the sides of the frame has a recessed peripheral edge. The examiner asserts that Moren has that feature, but identifies no

structure in Moren to support that assertion. In fact, in Moren the side flaps 54 not only are not recessed, they have flanges 56 that project above the remainder of the flaps 54. Claim 3 recites that the sockets define *open ended* wells. There is no suggestion of this feature in Moren. Claim 7 recites that the ribs project *radially* inward. Moren's ribs project parallel to one another from the side of a rectangle, with some of them effectively defining the end face of the packaging. For these reasons also, claims 2, 3, 7, and 14 are believed to be novel and non-obvious over Moren.

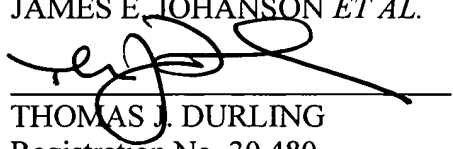
Conclusion:

In view of the foregoing, reconsideration of the examiner's rejections and objections, and an early notice of allowance of claims 1-3, 7-16, and 18-24, is earnestly solicited.

Respectfully submitted,

JAMES E. JOHANSON *ET AL.*

BY:


THOMAS J. DURLING
Registration No. 30,480
DRINKER BIDDLE & REATH
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Telephone: 215-988-3307
Fax: (215) 988-2757
Attorney for Applicants